

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAKE CHARLES DIVISION

JAMES R. BROWN, SR.	:	DOCKET NO. 2:05-cv-1559 Section P
VS.	:	JUDGE MINALDI
WARDEN, CORRECTIONAL CENTER OF PINE PRAIRIE	:	MAGISTRATE JUDGE WILSON

ORDER

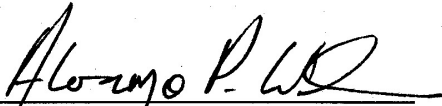
Currently before the court is an "Application for Writ of Mandamus" [doc. 10] filed by *pro se* petitioner, James R. Brown, Sr. By this motion, the petitioner seeks to have the court take action on his petition.

Initially, the court notes that it handles a high volume of prisoner cases which are addressed on a first come, first served basis. This petition has proceeded along the regular course with no undue delays. Although petitioner originally filed this petition on August 22, 2005, it was deficient at the time that he filed it. As such, the petition was not referred for initial review until the deficiency was cured. Petitioner cured the deficiency on October 24, 2005, and then on December 12, 2005, petitioner filed an amended petition.

Following the initial review of this petition and amended petition, it was determined that petitioner had not presented his claims to the state courts before filing this petition for federal *habeas* relief. Accordingly, a Report and Recommendation was issued this date, recommending that the petition be dismissed without prejudice due to petitioner's failure to exhaust the available state court remedies. Petitioner will now have 10 days to file any objections he may have to the Report and Recommendation before the district judge considers the matter.

Accordingly, because the merits of petitioner's *habeas* petition have now been reviewed, it is ORDERED that this motion be DENIED as moot.

THUS DONE AND SIGNED in Chambers at Lake Charles, Louisiana, this 24th day of January, 2006.


ALONZO P. WILSON
UNITED STATES MAGISTRATE JUDGE